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FILED

APR 21 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *Jan* DEPUTYUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Hector Joaquin PERALTA Chavarria,

Defendant.

Magistrate Case No.:

'08 MJ 8336

COMPLAINT FOR VIOLATION OF

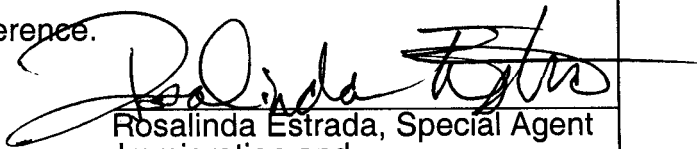
21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On or about April 19, 2008, within the Southern District of California, defendant Hector Joaquin PERALTA Chavarria did knowingly and intentionally import approximately 40.06 kilograms (88.18 pounds) of marijuana a Schedule 1 Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.


Rosalinda Estrada, Special Agent
Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st
DAY OF APRIL, 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v.**

3 **Hector Joaquin PERALTA Chavarria**

4
5 **PROBABLE CAUSE STATEMENT**

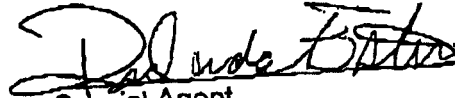
6 This complaint is based on the personal observations, investigation, and
7 information furnished to Immigration and Customs Enforcement Special Agent
8 Rosalinda Estrada.

9
10 On April 19, 2008, at approximately 0841 hours, Hector Joaquin PERALTA
11 Chavarria entered the United States through the Calexico, California, East Port of Entry.
12 PERALTA was the driver and sole occupant of a light green 1992 Honda Accord,
13 bearing license plates (BA/MX) BEJ4687. PERALTA gave primary Customs and
14 Border Protection Officer (CBPO) Valencia a negative oral customs declaration.
15 PERALTA stated that he was going to Santo Thomas in Calexico, Ca. After further
16 routine questioning of PERALTA, CBPO Valencia noticed that PERALTA seemed
17 somewhat nervous. CBPO Valencia tapped on the gas tank and noticed that it
18 sounded solid. CBPO Valencia decided to walk the vehicle back to Vehicle Secondary
for further inspection.

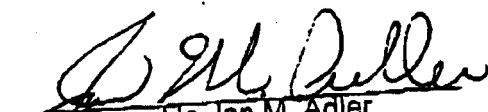
19 In the Vehicle Secondary lot, CBPO Valencia conducted a thorough physical
20 search of the vehicle and discovered packages concealed in the gas tank and in the
21 rear seat back of the vehicle. One of the packages was probed and the substance
22 inside field-tested positive for marijuana. 25 packages were found in the gas tank and
23 14 packages in the rear seat back. The 39 packages had a combined weight of
24 approximately 40.06 kilograms (88.13 pounds).

25 PERALTA was placed under arrest and advised of his Miranda Rights, which he
26 acknowledged. PERALTA was booked into the Imperial County Jail pending his initial
27 appearance before a U.S. Magistrate Judge.
28
29

Executed on April 19, 2008 at 3:10 pm hours.


Special Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant(s) named in this probable statement committed the offence on April 19, 2008, in violation of Title 21, United States Code, Section(s) 952 and 960.


The Honorable Jan M. Adler
United States Magistrate Judge

4/19/08 @ 3:12
Date/Time P.M.